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09/915,438	07/26/2001	Rabindranath Dutta	AUS920010422US1	7369

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EXAMINER	
RUDY, ANDREW J	

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RABINDRANATH DUTTA and DWIP N. BANERJEE

Appeal 2007-2323
Application 09/915,438
Technology Center 3600

Decided: February 12, 2008

Before JENNIFER D. BAHR, ANTON W. FETTING, and
DAVID B. WALKER, *Administrative Patent Judges*.

WALKER, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134(a) from the final rejection of claims 1-20.

Representative claim 1 reads, with added paragraph numbering, as follows:

1. A method for facilitating customs planning and clearance, the method comprising the steps of:

[a] creating in an international customs server, in response to a signal communicated through a client device coupled for data communications through at least one internet connection to the international customs server, a master customs planning record, wherein the master customs planning record comprises:

[i] a master identification field in which is stored a master identity code for the master customs planning record, and

[ii] a duty total field in which is stored the total amount of duty to be paid on goods identified in related customs planning records;

[b] creating in an international customs server a related customs planning record, wherein the related customs planning record is related through a foreign key field to the master customs planning record, wherein the related customs planning record comprises:

[i] the foreign key field in which is stored the master identity code of the master customs planning record;

[ii] one or more description fields describing the goods for import to a destination country, the destination country having an identity;

[iii] a duty amount field in which is stored an amount of duty to be paid on the goods; and

> [iv] the identity of the destination country;
>
> [c] calculating duty on the goods described in the related customs planning record;
>
> [d] storing the amount of the calculated duty in the duty amount field in the related customs planning record; and
>
> [e] incrementing, by the amount of the calculated duty stored in the duty amount field in the related customs planning record, the total amount of duty stored in the duty total field in the master customs planning record.

The references set forth below are relied upon as evidence of obviousness:

Pool	US 6,460,020 B1	Oct. 1, 2002
Seigel	US 2001/0051876 A1	Dec.13, 2001

Claims 1-6 and 11-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pool. Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pool in view of Seigel.

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the appellant.

Id. at 1445. *See also Piasecki*, 745 F.2d at 1472. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. *See Oetiker*, 977 F.2d at 1445; *Piasecki*, 745 F.2d at 1472.

Appellants argue claims 1-6 and 11-20 as a group, all of which stand or fall with independent claim 1. Thus, we consider claim 1 as representative.

The Examiner found that Pool includes, either inherently or explicitly, calculating and storing all of the recited data elements that the claimed master customs planning record and related customs planning record comprise (limitations a.i-ii and b.i-iv above). The Examiner also found that Pool does not specifically disclose that the respective customs planning records each individually comprise all of the specific data elements, as claimed. The Examiner concluded that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have arranged any of the calculated and stored data elements of Pool so as to be stored in the specific arrangement/manner of the appealed claims, simply as a matter of design choice, since so doing could have been performed readily and easily

by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results (Answer 4).

The Examiner provides no explanation for why limitations a.i-ii and b.i-iv above are inherent to the operation of Pool or where they are explicitly disclosed. In fact, neither the rejection nor the Answer provides specific citations to where Pool discloses any of the claim limitations. The Examiner also provides no rational basis for the modifications necessary to Pool to meet all of the claim limitations. The Examiner has not met the burden of setting forth a prima facie case of obviousness over Pool by finding, without any support, that all of the necessary changes would have been obvious matters of design choice.

Claims 7-10, rejected separately over the combination of Pool in view of Seigel, also depend from claim 1. Because the Examiner has failed to explain how Seigel remedies the above deficiencies of Pool with respect to claim 1, the Examiner also has not made out a prima facie case of obviousness as to claim 1 and its dependent claims 7-10 over Pool in view of Seigel.

The decision of the Examiner is reversed.

REVERSED

vsh

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